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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,995	12/20/2001	Sergio Cazzolaro	SCP-109	8530
7590 08/25/2004				
Pauley Petersen Kinne & Fejer 2800 West Higgins Road Suite 365 Hoffman Estates, IL 60195		EXAMINER A, PHI DIEU TRAN		
		ART UNIT PAPER NUMBER 3637		

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,995

Applicant(s)

CAZZOLARO, SERGIO

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 10, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberto (EP884425) in view of Couse et al (2882564).

Gilberto (figure 1) shows a composite structure having at least two coupled structures (2) having a plurality of pairs of scissors-connected tubular elements (4) having extremities hinged in universal joints, the joints being integral delimited by substantially equal and parallel faces and forming four seats (5), each of the four seats in correspondence with a side face to accept hinged elements, the at least two coupled structures when superimposed forming a fifth seat in which is fixed an extremity of an extendible telescopic tubular element (3) whose other extremity is fixed to an opposed universal joint.

Gilberto does not show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a C-sectioned fixing element including two folded and inverted edges, the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints to snap the C-sectioned

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fixing element to the two matching joints, the element including a substantially rectangular sheet of flexible material, the element being applied only over each external side face of the joints that are on an external surface of the structure, each of the two folded and inverted edges of the C-sectioned fixing element snaps into a groove of one of two oppositely facing larger faces of two matched universal joints, matching faces of the universal joints of the joined structures including at least one suitable perforation for housing a pivot that prevents any horizontal movement of the joints.

Couse et al (figure 3) shows a C-sectioned fixing element (44) hold united two matching joints from two coupled structures, the joints each having a groove (33) along each side of a larger face proximate to and parallel to corresponding edge of each said side, the element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges (the rounded edges at the end of the sheet constitutes the opposite folded and inverted edges), the edges mating those of the grooves on the joint, the element cover the external face of the joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto to show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a C-sectioned fixing element including two folded and inverted edges, the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being

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inserted into one groove of the other of the two matching said joints to snap the C-sectioned fixing element to the two matching joints, the element including a substantially rectangular sheet of flexible material, the element being applied only over each external side face of the joints that are on an external surface of the structure, each of the two folded and inverted edges of the C-sectioned fixing element snaps into a groove of one of two oppositely facing larger faces of two matched universal joints, matching faces of the universal joints of the joined structures including at least one suitable perforation for housing a pivot that prevents any horizontal movement of the joints because the C-sections would ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling as taught by Couse, and an additional benefit of attaching the structures together with the C-shape taught by Couse is the easy snap fastening of parts together.

Per claims 6, 14-17, 21, Gilberto as modified by Couse et al shows all the claimed limitations except for the C-section forming cut-outs corresponding to the seats for the hinged extended elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto's modified structure to show the C-section forming cut-outs corresponding to the seats as the cut-out would allow movement and location of the hinged extended elements.

Response to Arguments

1. Applicant's arguments filed 6/21/04 have been fully considered but they are not persuasive.

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2. With respect to applicant's argument that the C-sections are not motivated as fixing means for the Gilberto Publication, examiner respectfully disagrees. As pointed out in the rejection above, the addition of the C-sections would provide ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling with the additional benefit of attaching the structures together quickly by snap fastening of parts together. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination would enhance the structure of Gilberto and motivated as described above. The argument is thus moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A *PA*

8/22/04

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600